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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/695,170	MATSUZAKI ET AL.
	Examiner	Art Unit	
	Brent S. Stace	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   This communication is responsive to the amendment filed February 13th, 2007.

Claims 1-19 are pending. In the amendment filed February 13th, 2007, Claims 1, 18,

and 19 are amended, and Claims 1, 18, and 19 are independent. The examiner

acknowledges that no new matter was introduced and the claims are supported by the

specification.

Response to Arguments

2.   The Applicant's arguments filed February 13th, 2007 with respect to Claims 1-19

have been considered but are not persuasive.

3.   As to the applicant's arguments with respect to Claims 1, 18, and 19 for the prior

art(s) allegedly not disclosing or suggesting "the user can designate an importance of

each of the one independent retrieval condition by designating a position on the matrix

form," the examiner respectfully disagrees. This new limitation has been mapped below

to the Barber reference in each of the claims. In the cited sections below, Barber

teaches a query window where the user drags & drops retrieval conditions and

thumbnail images to query for images having conditions described by the layout of the

conditions/thumbnails in the window. The layout of the conditions in the window is a

matrix as shown in the associating figure, Fig. 5. How the thumbnails are arranged in

the matrix/query window form changes the query conditions and, hence, the results

returned (since the results are returned in order of how close they are to the query

window/matrix). The user is able to designate the importance of a thumbnail in the

query window by changing its location/position in the query window. Also, the user has

control over the importance of the thumbnail in the query by including it in the query

window.

4.   The other claims argued merely because of a dependency on a previously

argued claim(s) in the arguments presented to the examiner, filed February 13th, 2007,

are moot in view of the examiner's interpretation of the claims and art and are still

considered rejected based on their respective rejections from the first Office action

(parts of recited again below).

Response to Amendment

Specification

5.   The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

Claim Objections

6.   In light of the applicant's respective arguments or respective amendments, the

previous claim objections to the claims have been withdrawn.

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9.   Exemplary Claim 1 recites "the user can designate an importance of each of the one independent retrieval condition" in lines 11-12. This limitation is unclear because the phraseology of this limitation implies that there is more than one independent retrieval condition. This rejection propagates downward through dependent Claims 2-17 and Claims 18 and 19 share this similar rejection/phraseology.

10.   Claim 18 recites "an input unit configured to one of set multimedia object data" and "multimedia object data one of set in and input to the" in line 7 and line 12, respectfully. These limitations are unclear because the phraseology makes poor sentence structure in the claims. Claim 19 shares this similar rejection/phraseology.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claims 1-6, 9, 10, 13-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,751,286 (Barber et al.).

Claim 1 can be mapped to Barber as follows: "A method for setting a retrieval

condition [Barber, col. 7, lines 7-19] when retrieving similar multimedia object data from

a multimedia object database [Barber, col. 7, lines 7-10] on the basis of the retrieval

condition set by a user, [Barber, col. 7, lines 7-19] the method comprising:

- displaying a retrieval condition setting area for setting a plurality of retrieval

  conditions as an independent area; [Barber, col. 5, lines 4-18] and

- setting a retrieval condition on the basis of one of multimedia object data which

  has been set in the retrieval condition setting area and multimedia object data

  which has been input to the retrieval condition setting area; [Barber, col. 5, lines

  4-18 with Barber, col. 7, lines 7-19]

- wherein the retrieval condition setting area is arranged in a matrix form in which

  each row and each column are respectively assigned to one independent

  retrieval condition [Barber, col. 5, lines 4-18 with Barber, col. 8, lines 59-67 with

  Barber, col. 9, lines 35-40 with Barber, Fig. 5]

- and the user can designate an importance of each of the one independent

  retrieval condition by designating a position on the matrix form" [Barber, col. 3,

  lines 14-21 with Barber, col. 8, lines 65-67 with Barber, col. 10, lines 1-3 with

  Barber, col. 8, lines 2-15].

Claim 2 can be mapped to Barber as follows: "The method according to claim 1,

wherein the multimedia object data which has been set in the retrieval condition setting

area comprises one of: inquiry object data which has been set as a retrieval condition;

and one of an image and item associated with inquiry object data" [Barber, col. 5, lines

4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5].

Claim 3 can be mapped to Barber as follows: "The method according to claim 1,

further comprising:

- displaying an object data list display area for displaying images associated with

    respective data in the multimedia object database, [Barber, col. 5, lines 4-18 with

    Barber, col. 7, lines 7-19 with Barber, Fig. 5] wherein

- by selecting at least one multimedia object data from the object data list display

    area, the selected multimedia object data is displayed in the retrieval condition

    setting area and a retrieval condition is set" [Barber, col. 5, lines 4-18 with

    Barber, col. 7, lines 7-19 with Barber, Fig. 5].

Claim 4 can be mapped to Barber as follows: "The method according to claim 3,

wherein in response to operation of a control button for setting object data into the   .

retrieval condition setting area, disposed near one of an image and item associated with

multimedia object data in the object data list display area, the multimedia object data is

displayed in the retrieval condition setting area and a retrieval condition is set" [Barber,

cols. 8-9, lines 65-4 with Barber, col. 11, lines 45-55 with Barber, col. 10, 35-38].

Claim 5 can be mapped to Barber as follows: "The method according to claim 3,

wherein in response to direct specification of one of an image and item associated with

multimedia object data in the object data list display area, the multimedia object data is

displayed in the retrieval condition setting area and a retrieval condition is set" [Barber,

col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5 with Barber, col. 10,

35-38].

Claim 6 can be mapped to Barber as follows: "The method according to claim 3,

wherein in response to operation of a pointing device to specify one of an image and

item associated with multimedia object data in the object data list display area and

move it onto the retrieval condition setting area, the multimedia object data is displayed

in the retrieval condition setting area and a retrieval condition is set" [Barber, col. 5,

lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5 with Barber, col. 4, lines 55-

59].

Claim 9 can be mapped to Barber as follows: "The method according to claim 1,

wherein

- the retrieval condition is set according to a plurality of feature values calculated

  from a multimedia object, [Barber, col. 7, lines 32-43 with Barber, col. 16, lines

  14-18]

- the retrieval condition setting area has a plurality of feature setting areas,

  [Barber, col. 7, lines 7-20 with Barber, col. 7, lines 32-35] and

- the feature setting areas are assigned feature kinds which are set according to

  one of: the feature values; and a combination of the feature values" [Barber, col.

  7, lines 7-20 with Barber, cols. 10-11, lines 65-21].

Claim 10 can be mapped to Barber as follows: "The method according to claim

9, wherein the feature setting areas are arranged and displayed in an n by m matrix

form in the retrieval condition setting area, where n and m are natural numbers" [Barber,

col. 7, lines 13-20].

Claim 13 can be mapped to Barber as follows: "The method according to claim

9, wherein

- the retrieval condition is set according to a combination of feature values which

  have been set in respective feature setting areas provided in the retrieval

  condition setting area, [Barber, col. 7, lines 13-20 with Barber, cols. 10-11, lines

  65-21 with Barber, col. 9, lines 20-25] and

- a method of the combination is set by the user" [Barber, col. 7, lines 13-20].

Claim 14 can be mapped to Barber as follows: "The method according to claim

9, wherein

- inquiry object data is set and disposed in an arbitrary position in the retrieval

  condition setting area, [Barber, col. 9, lines 25-35] and

- a weight of set feature values is set according to a position in which the inquiry

  object data is set and disposed" [Barber, col. 9, lines 35-61 with Barber, col. 9,

  lines 25-35].

Claim 15 can be mapped to Barber as follows: "The method according to claim

1, wherein at the time of retrieval condition setting, attribute information owned by a

multimedia object is set as a keyword in combination" [Barber, col. 6, lines 17-22 with

Barber, col. 6, lines 30-35 with Barber, col. 6, lines 50-56].

Claim 17 can be mapped to Barber as follows: "The method according to claim

1, wherein the retrieval condition setting area is displayed in a display screen of a

display device which is independent in hardware from an apparatus for executing actual

retrieval" [Barber, col. 4, lines 47-64 with Barber, Figs. 1 and 5].

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

15. Claims 7, 8, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No.

5,930,783 (Li et al.).

For **Claim 7**, Barber teaches: "The method according to claim 2, wherein the

inquiry object data is set in the retrieval condition setting area by one of."

Barber discloses the above limitation but does not expressly teach:

- "inputting it via an external object data input unit connected to a retrieval

    apparatus to which the method according to claim 2 is applied;

- selecting it from an external database; and

- taking in an object data file owned by the user."

    With respect to Claim 7, an analogous art, Li, teaches:

- "inputting it via an external object data input unit connected to a retrieval

    apparatus to which the method according to claim 2 is applied;

- selecting it from an external database; and

- taking in an object data file owned by the user." [Li, col. 11, lines 55-62 with Li,

    col. 17, lines 30-39 with Li, Fig. 12].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Li with Barber because both inventions are directed towards

searching for multimedia objects based on a query.

Li's invention would have been expected to successfully work well with Barber's

invention because both inventions use computers, queries and at least a database.

Barber discloses an image query system and method comprising finding similar images

to an inputted query image, however Barber does not expressly disclose using

thumbnails other than the ones provided. Li discloses semantic and cognition based

image retrieval comprising the use of external files as base query images.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the use of external files as base query images from Li and install it into

the invention of Barber, thereby offering the obvious advantage of being able to query

based on any image as an input thumbnail.

For **Claim 8**, Barber (as modified by Li) fails to teach that an Internet address is a

file path. Official Notice is taken that it is old and well known in the Internet art to get the

advantage of accessing files on the internet by using Internet addresses as a file path.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to include Internet addresses as file paths to get this advantage.

For **Claim 18**, Barber teaches: "An apparatus for setting a retrieval condition

[Barber, col. 7, lines 7-19] when retrieving similar multimedia object data from various

multimedia object [Barber, col. 7, lines 7-10] on the basis of the retrieval condition set by

a user, [Barber, col. 7, lines 7-19] the apparatus comprising:

- a display device having a display screen in which a retrieval condition setting

  area for setting a plurality of retrieval conditions is displayed as an independent

  area; [Barber, col. 5, lines 4-18]

- an input unit configured to one of set multimedia object data in the retrieval

  condition setting area displayed on the display screen of the display device and

  input multimedia object data to the retrieval condition setting area displayed on

  the display screen of the display device; [Barber, col. 4, lines 55-60 with Barber,

  col. 5, lines 3-18] and

- a retrieval condition setting unit configured to set a retrieval condition on the

  basis of multimedia object data one of set in and input to the retrieval condition

setting area by the input unit; [Barber, col. 5, lines 4-18 with Barber, col. 7, lines

7-19]

- wherein the retrieval condition area is arranged in a matrix form in which each

    row and each column are respectively assigned to one independent retrieval

    condition [Barber, col. 5, lines 4-18 with Barber, col. 8, lines 59-67 with Barber,

    col. 9, lines 35-40 with Barber, Fig. 5] and the user can designate an importance

    of each of the one independent retrieval condition by designating a position on

    the matrix form" [Barber, col. 3, lines 14-21 with Barber, col. 8, lines 65-67 with

    Barber, col. 10, lines 1-3 with Barber, col. 8, lines 2-15].

    Barber discloses the above limitations but does not expressly teach: "databases."

    With respect to Claim 18, an analogous art, Li, teaches: "databases" [Li, col. 4,

lines 64-67 with Li, col. 13, lines 37-41].

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Li with Barber because both inventions are directed towards

searching for multimedia objects based on a query.

Li's invention would have been expected to successfully work well with Barber's

invention because both inventions use computers, queries and at least a database.

Barber discloses an image query system and method comprising finding similar images

to an inputted query image, however Barber does not expressly disclose databases of

multimedia objects. Li discloses semantic and cognition based image retrieval

comprising searching databases of multimedia objects.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the databases of multimedia objects from Li and install it into the invention of Barber, thereby offering the obvious advantage of being able to pull/query multiple databases so as to acquire more information that satisfies the query.

Claim 19 encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the apparatus unit actions of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.

16.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No. 6,748,398 (Zhang et al.).

For **Claim 11**, Barber teaches: "The method according to claim 1, wherein the retrieval condition setting area comprises."

Barber discloses the above limitation but does not expressly teach: "a dissimilar feature setting area for setting a dissimilarity condition independently for each of selected objects."

With respect to Claim 11, an analogous art, Zhang, teaches: "a dissimilar feature setting area for setting a dissimilarity condition independently for each of selected objects" [Zhang, col. 7, lines 27-36].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Zhang with Barber because both inventions are directed towards searching for multimedia objects based on a query.

Zhang's invention would have been expected to successfully work well with Barber's invention because both inventions use computers, queries and at least a database. Barber discloses an image query system and method comprising finding similar images to an inputted query image, however Barber does not expressly disclose denoting thumbnails as related or not related to an image being queried. Zhang discloses a relevance maximizing, iteration minimizing, relevance-feedback, content-based image retrieval (CBIR) comprising marking images as related or not related to an image the user is searching for.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the marking images as related or not related from Zhang and install it into the thumbnails (which are images) of Barber, thereby offering the obvious advantage of narrowing the search for relevant images.

Claim 12 can be mapped to Barber (as modified by Zhang) as follows: "The method according to claim 11, wherein

- for each of feature values, similar and dissimilar feature setting areas are provided as an adjacent pair, [Zhang, col. 7, lines 27-36] and

- a plurality of pairs are arranged in an n by m (where n and m are natural numbers) matrix form" [Barber, col. 7, lines 13-20].

17.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No. 6,363,376 (Wiens et al.).

        For **Claim 16**, Barber teaches: "The method according to claim 1, wherein

*   a result of retrieval conducted by using the retrieval condition which has been set

    is displayed in a list form in a retrieval result list display area, on the basis of one

    of: an order of similarity; and an order of a result of rearrangement when the user

    has conducted a rearrangement operation on the retrieval result, [Barber, col. 7,

    lines 47-56 with Barber, col. 8, lines 45-55] and

*   a retrieval condition is set by one of: displaying as many high-ranking multimedia

    object data as a preset number on the basis of an order of display; and selecting

    at least one multimedia object data from the retrieval result list display area and

    displaying the at least one multimedia object data in the retrieval condition setting

    area" [Barber, col. 8, lines 45-55].

        Barber discloses the above limitations but does not expressly teach:

*   "in the retrieval condition setting area."

        With respect to Claim 16, an analogous art, Wiens, teaches:

*   "in the retrieval condition setting area" [Wiens, col. 7, lines 25-36].

        It would have been obvious to one of ordinary skill in the art at the time of

invention to combine Wiens with Barber because both inventions are directed towards

searching for information and returning a certain number of results.

        Wiens's invention would have been expected to successfully work well with

Barber's invention because both inventions use computers for searching. Barber

discloses an image query system and method comprising searching for images and

displaying a pre-specified number of results in a results listing, however Barber does not

expressly disclose that this pre-specified number is set in the retrieval condition setting

area by a user. Wiens discloses a method and system for querying and posting to

multiple career websites on the internet from a single interface comprising the user

setting the number of results returned from a search in an area that must be equivalent

to the retrieval condition setting area.

It would have been obvious to one of ordinary skill in the art at the time of

invention to take the user setting the number of results returned from a search from

Wiens and install it into the invention of Barber, thereby offering the obvious advantage

of having a more user-friendly user interface that, also, saves computations by limiting

the number of results returned.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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